

# POLLUTION PREVENTION &



New England Environmental  
Assistance Team  
U.S. Environmental Protection Agency

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## THE BOTTOM LINE

WORDS & WISDOM FROM THE NEW ENGLAND ENVIRONMENTAL ASSISTANCE TEAM

## New Phase 2 Storm Water Rule

The U.S. Environmental Protection Agency has expanded its storm water program to now include smaller communities, smaller construction projects, major wastewater treatment facilities and all communities' vehicle maintenance practices. The new requirements, called the Storm Water Phase 2 rule, are the next steps in EPA's efforts to protect waterways from polluted storm water runoff.

Since 1990, Phase 1 of the program has used permits issued under the National Pollutant Discharge Elimination System (NPDES) to control storm water run off from: municipalities serving populations of 100,000 or more; construction activity disturbing 5 acres of land or greater; and, 10 categories of industrial activity.

Phase 2 of the program, enacted in October 1999, will now cover:

- » municipalities in "urbanized areas" with populations *under* 100,000;
- » construction activity disturbing 1 acre of land or greater;
- » publicly owned wastewater treatment plants treating 1 million gallons per day or more and,
- » *all* communities' vehicle maintenance practices.

Phase 2 affects municipalities in three basic ways, as follows. In general, the deadline for obtaining permit coverage for each is **March 2003**. To avoid permitting, municipal "industrial" facilities must submit a Conditional No Exposure Exclusion certification by **March 2003**.

### 1. Small Municipal Separate Storm Sewer Systems

Under Phase 2, hundreds of urbanized communities in New England with populations under 100,000, as well as institutions (such as public universities, prisons, and state highway facilities) which have separate storm sewer systems, will be regulated. To comply, they will have to develop comprehensive storm water management programs, including:

- » educating and involving the public
- » finding and removing illicit connections
- » controlling runoff from construction sites during and after construction
- » preventing storm water pollution at municipal "industrial" facilities.

### 2. Municipal Industrial Facilities

Municipal "industrial" facilities include municipal highway garages, other municipally-run vehicle maintenance operations, and wastewater treatment facilities that treat at least 1 million gallons per day or have an approved pretreatment program.

All municipal industrial activities, even those located in communities not covered

under Phase 2 as separate storm sewer systems, will need to obtain general permit coverage by March 2003 or secure an exemption. To qualify for an exemption, facilities will have to certify that their industrial operations are not exposed to stormwater. This may include sand/salt storage and vehicle washwater.

### 3. Construction Projects

Under Phase 2, the federal threshold for construction projects subject to storm water runoff control dropped from those that disturb five acres or more to those

that disturb one acre or more. This means that many more construction projects, whether performed by municipalities themselves (e.g., road reconstruction) or contractors/developers permitted by

municipalities (e.g., housing construction), will be subject to storm water management requirements.



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# Storm Water Phase 2

## Outreach

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Due to the large number of new parties and operations regulated, EPA New England is planning extensive outreach in partnership with the states and a variety of organizations. EPA New England, MA DEP, NH DES and other sponsors collaborated on two large conference/technology trade shows that took place on Nov. 30, 2000 in Manchester, N.H. and Dec 4, 2000 in Sturbridge, Mass. The conferences, which provided an overview of Phase 2, attracted over 600 participants. Smaller, more localized events geared at different aspects of and audiences for Phase 2 are planned. To express interest in these events, please email or call one of us. To find out more about Phase II requirements now, consult the EPA Headquarters Storm Water Phase 2 website: [www.epa.gov/owm/sw/phase2](http://www.epa.gov/owm/sw/phase2)

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